

## **REMARKS**

Claims 1, 25, 26, 37, 38, 65-84, 87-95 and 100-109 are pending in the application.

Claims 1, 25, 26, 37, 38, 65-84, 87-95 and 100-109 are rejected. The Applicants sincerely thank the Examiner for indicating that claims 1, 25, 26, 37, 38, 65-84, 87-95 and 100-109 are allowable upon overcoming the Double Patenting rejection set forth in the Office Action.

### **Double Patenting**

Claims 1, 25, 26, 37, 38, 65-84, 97-95 and 100-109 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-18 and 51-53 of copending Application No. 09/728693.

The Applicants do believe that the conflicting claims are patentability distinct from each other. However, in the interest of furthering prosecution on the merits, the Applicants have let the copending Application No. 09/728693 lapse and go abandoned.

Therefore, it is respectfully submitted that the double patenting rejection be withdrawn, because Application No. 09/728693 is no longer copending with the present application. This should result in the allowance of all the currently pending claims.

### **Record Clarification**

The Applicants would like to bring the following two items to the attention of the Examiner.

The first item is that there was a minor typographical error in our November 23, 2004 response. In the remarks section found on page 13 of the response, "104 - 406" should be "104 – 106."

The second item is that we addressed the allowable claims as listed by the Examiner in the latest response. However, we would like the Examiner to note that in our March 24, 2005 response, we canceled claims 104 to 106 on page 12. Therefore, we believe that the allowed claims should be as follows:

Claims 1, 25, 26, 37, 38, 65-84, 87-95 and 100-103 and 107-109.

This then corresponds to the cancellation of claims 104 – 106. However, if the Examiner now believes that these claims 104 - 106 are now allowable, the Applicants would like to have the opportunity to re-introduce these claims into the pending application at this time. If there was a mistake, then we will maintain the cancelled status of claims 104 – 106.

If there are any further questions or confusion regarding this case, please do not hesitate to contact the undersigned at 858-845-2611 to discuss the matter further and accelerate the ultimate allowance of the case. Thank you Examiner.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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